

REMARKS

Claim Rejections

Claims 1-6 are rejected in 35 U.S.C. 103(a) as being unpatentable over Ballman (5,188,542) in view of Scanlon et al. (4,400,412).

Abstract of the Disclosure

Applicant is submitting a substitute Abstract of the Disclosure for that originally filed with this application to more clearly describe the claimed invention. Entry of the Substitute Abstract of the Disclosure is respectfully requested.

Drawings

It is noted that the Examiner has accepted the drawings as originally filed with this application.

New Claims

By this Amendment, Applicant has canceled claims 1-6 and has added new claims 7-13 to this application. It is believed that the new claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art, taken individually or in combination.

The new claims are directed toward a power plug with an overload display comprising: a plurality of metal pins (11); an embedded block (2) located around a periphery of the plurality of metal pins and having a thermochromic portion (21, 22, 23) indicating an overload condition of the power plug; and a transparent housing (5) covering a predetermined portion of each of the plurality of metal pins and the embedded block, wherein, when the power plug is in the overload condition, the thermochromic portion is visible from an exterior of the housing.

Other embodiments of the present invention include: the thermochromic portion of the embedded block includes thermochromic materials (23) integrally formed therein; the thermochromic portion of the embedded block is a thermochromic film (21) located on an outer periphery of the embedded block; the

thermochromic portion of the embedded block is warming characters (22) printed with thermochromic materials on an outer periphery of the embedded block; the housing includes thermochromic materials integrally formed therein; a light emitting diode located in the housing and a detecting transistor (3) controlling the light emitting diode (4), wherein the light emitting diode emitting a light when the power plug is in the overload condition; and the thermochromic portion is made of Polybutylene Terephthalate.

The primary reference to Ballman teaches an electrical connector having an upper half (24), a lower half (26), blades (38, 40), a P.C. board (52) connected to an LED (54).

Ballman do not teach an embedded block located around a periphery of the plurality of metal pins and having a thermochromic portion indicating an overload condition of the power plug; when the power plug is in the overload condition, the thermochromic portion is visible from an exterior of the housing; the thermochromic portion of the embedded block includes thermochromic materials integrally formed therein; the thermochromic portion of the embedded block is a thermochromic film located on an outer periphery of the embedded block; the thermochromic portion of the embedded block is warming characters printed with thermochromic materials on an outer periphery of the embedded block; the housing includes thermochromic materials integrally formed therein; nor do Ballman teach the thermochromic portion is made of Polybutylene Terephthalate.

The secondary reference to Scanlon et al. is cited for teaching thermochromic vanadium oxide coated on a glass substrate.

Scanlon et al. does not teach an embedded block located around a periphery of the plurality of metal pins and having a thermochromic portion indicating an overload condition of the power plug; when the power plug is in the overload condition, the thermochromic portion is visible from an exterior of the housing; the thermochromic portion of the embedded block includes thermochromic materials integrally formed therein; the thermochromic portion of the embedded block is a thermochromic film located on an outer periphery of the embedded block; the thermochromic portion of the embedded block is warming characters printed with thermochromic materials on an outer periphery of the embedded block; the housing

includes thermochromic materials integrally formed therein; nor does Scanlon et al. teach the thermochromic portion is made of Polybutylene Terephthalate.

Even if the teachings of Ballman and Scanlon et al. were combined, as suggested by the Examiner, the resultant combination does not suggest: an embedded block located around a periphery of the plurality of metal pins and having a thermochromic portion indicating an overload condition of the power plug; when the power plug is in the overload condition, the thermochromic portion is visible from an exterior of the housing; the thermochromic portion of the embedded block includes thermochromic materials integrally formed therein; the thermochromic portion of the embedded block is a thermochromic film located on an outer periphery of the embedded block; the thermochromic portion of the embedded block is warming characters printed with thermochromic materials on an outer periphery of the embedded block; the housing includes thermochromic materials integrally formed therein; nor does the combination suggest the thermochromic portion is made of Polybutylene Terephthalate.

It is a basic principle of U.S. patent law that it is improper to arbitrarily pick and choose prior art patents and combine selected portions of the selected patents on the basis of Applicant's disclosure to create a hypothetical combination which allegedly renders a claim obvious, unless there is some direction in the selected prior art patents to combine the selected teachings in a manner so as to negate the patentability of the claimed subject matter. This principle was enunciated over 40 years ago by the Court of Customs and Patent Appeals in In re Rothermel and Waddell, 125 USPQ 328 (CCPA 1960) wherein the court stated, at page 331:

The examiner and the board in rejecting the appealed claims did so by what appears to us to be a piecemeal reconstruction of the prior art patents in the light of appellants' disclosure. ... It is easy now to attribute to this prior art the knowledge which was first made available by appellants and then to assume that it would have been obvious to one having the ordinary skill in the art to make these suggested reconstructions. While such a reconstruction of the art may be an alluring way to rationalize a rejection of the claims, it is not the type of rejection which the statute authorizes.

The same conclusion was later reached by the Court of Appeals for the Federal Circuit in Orthopedic Equipment Company Inc. v. United States, 217 USPQ 193 (Fed.Cir. 1983). In that decision, the court stated, at page 199:

As has been previously explained, the available art shows each of the elements of the claims in suit. Armed with this information, would it then be non-obvious to this person of ordinary skill in the art to coordinate these elements in the same manner as the claims in suit? The difficulty which attaches to all honest attempts to answer this question can be attributed to the strong temptation to rely on hindsight while undertaking this evaluation. It is wrong to use the patent in suit as a guide through the maze of prior art references, combining the right references in the right way so as to achieve the result of the claims in suit. Monday morning quarterbacking is quite improper when resolving the question of non-obviousness in a court of law.

In In re Geiger, 2 USPQ2d, 1276 (Fed.Cir. 1987) the court stated, at page 1278:

We agree with appellant that the PTO has failed to establish a *prima facie* case of obviousness. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching suggestion or incentive supporting the combination.

Applicant submits that there is not the slightest suggestion in either Ballman or Scanlon et al. that their respective teachings may be combined as suggested by the Examiner. Case law is clear that, absent any such teaching or suggestion in the prior art, such a combination cannot be made under 35 U.S.C. § 103.

Neither Ballman nor Scanlon et al. disclose, or suggest a modification of their specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Applicant hereby respectfully submits that no combination of the cited prior art renders obvious Applicant's new claims.

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Summary

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

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